

March 13, 2015

Dear Montana House Federal Relations, Energy and Telecommunications Committee Members,

This letter is being sent to you to demonstrate the broad level of support for SB 261 and 2015 legislative action to address sage grouse management and conservation efforts in Montana. The bill is scheduled for FRET on Monday, March 16.

BACKGROUND

In the last decade Greater Sage Grouse (sage grouse) populations have declined across the west - 30 percent in the last three decades - and the species has been the subject of numerous lawsuits by various environmental organizations trying to force the US Fish and Wildlife Service (USFWS) to consider the species as threatened or endangered. Under the Bush Administration the USFWS determined the bird unwarranted for listing. Another suit challenged that finding which resulted in the USFWS determining the species was warranted but precluded from listing because there were other higher priorities. The USFWS was sued yet again. The litigation resulted in a settlement that gives the USFWS until September of 2015 to make a decision regarding the sage grouse conservation and management status.

During this time, then Wyoming Governor Dave Freudenthal decided Wyoming needed a state-based solution rather than a federal ESA listing of threatened and/or endangered for sage grouse. Since Wyoming's Legislature had already authorized a significant wildlife trust for conservation efforts, the Governor convened a council to develop a sage grouse conservation plan. Over several years the State of Wyoming developed a comprehensive conservation plan and management program for sage grouse that included detailed stipulations for development that were intended to protect the species. The USFWS approved the effort, agreeing that Wyoming's plan provided an excellent model for sage grouse conservation and state management.

Concurrently, Federal land management agencies were developing their own sage grouse management and conservation plans. BLM took significant actions to protect sage grouse, including removing thousands of acres from mineral leasing, and in 2008, the BLM issued management guidelines with very stringent stipulations focused on sage grouse habitat conservation. Wyoming was exempt from this action because they had an approved state plan.

Other western states took notice and began developing their own state plans, programs and conservation strategies that provided an opportunity for USFWS approval. Initially, unfortunately, Montana stood alone doing nothing. Conservation, energy and agriculture groups in Montana and other states became concerned about Montana's lack of effort. These groups approached Governor Bullock in January of 2013 and asked that he address the issue.

MONTANA'S PLANNING EFFORTS

In April of 2013, Governor Bullock convened a council of stakeholders to develop a Montana solution for sage grouse conservation and management with the intent of avoiding a USFWS species listing. The council produced a draft plan, which the Governor amended and released under an Executive Order in September 2014.

Montana's draft plan was adjusted by the Governor to ensure that basic stipulations were aligned with the fundamental stipulations of the Wyoming plan, which had already received USFWS approval. Although the Montana and Wyoming plans are aligned in many areas, there are key differences with the primary difference being land ownership: 64% of core sage grouse habitat is held in private ownership in Montana, whereas the majority of Wyoming's core sage grouse habitat is on public land.

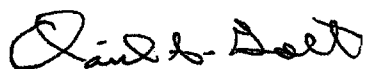
The final components of the proposed Montana plan include a stewardship fund to incentivize voluntary private land conservation actions in sage grouse areas, and 5.5 full time employees to ensure successful implementation of the plan. Both of these components have been prioritized by the Governor in his proposed 2016-17 budget. The stewardship fund will provide a mechanism for private landowners to maintain, restore, expand and enhance sage grouse habitat in core and general habitat areas. Further, it will provide a mechanism to incentivize private landowners to enhance sage grouse habitat on their own property. An additional goal of the stewardship fund is to provide a mitigation option for project proponents – such as potential coal development – whose projects cannot meet plan stipulations and therefore require some form of mitigation. The stewardship fund is necessary to demonstrate that Montana can successfully maintain, restore, expand and enhance sage grouse habitat and conserve sage grouse populations in core areas. Staff is necessary to implement the comprehensive sage grouse program provisions that are delegated in the Governor's Executive Order, and to review and comment on proposed projects.

NEXT STEPS

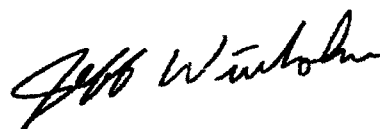
It is critical to understand the USFWS is under a court order to make a final decision regarding a sage grouse ESA listing by September of 2015. A listing by the USFWS would have severe and significant economic impacts across Montana's historic sage grouse range. Further, wildlife policy experts agree that regardless of the USFWS decision they expect to see the decision litigated. **It is our opinion that the best defensible position for the State of Montana is to be aligned with the approved sage grouse program and conservation efforts in the State of Wyoming. The proposed sage grouse stewardship fund, the proposed staff positions, and provisions encompassed within Governor Bullock's sage grouse management plan accomplish that.**

Recently you may have heard reports of a rider on the national spending bill that prevents the USFWS from spending money to list the sage grouse. We understand that Congress wanted more time to allow state plans to take effect. Interior Secretary Jewel has stated they will continue to work on this issue as directed by the Federal Judge in Idaho. The spending bill passed by Congress expires September 30, 2015 and there is no indication what may or may not happen regarding sage grouse by that time. Montana has a critical job at hand: complete the work necessary to implement Governor Bullock's sage grouse management and conservation plan. If that is not done by the close of this legislative session, Montana's strong state-managed sage grouse plan would be difficult if not impossible to approve and the threat of an ESA listing in the Western US would be certain.

The organizations listed below support the passage of SB 261, creation of the proposed Montana sage grouse stewardship fund, the necessary staff to implement the proposed Montana state sage grouse management program, and our continued state authority to manage sage grouse populations and habitat. We believe that Montana has developed a viable plan that can help prevent the need for the USFWS to list the sage grouse. SB 261 passed the Senate 41-9. We ask for your support as well.



David A. Galt,
Montana Petroleum Association



Jeff Wivholm,
Montana Association of Conservation Districts



Dave Chadwick,
Montana Wildlife Federation



Errol Rice,
Montana Stockgrowers Association



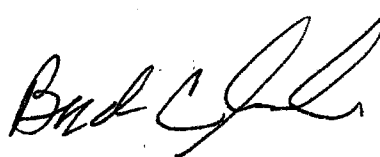
Mark Lambrecht,
Treasure State Resource Industry Association



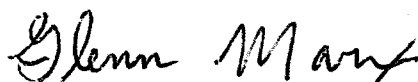
Amy Seaman,
Montana Audubon



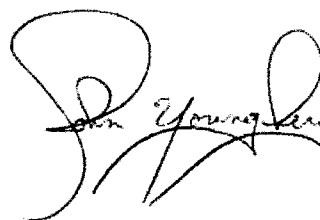
Mary Hollow,
The Nature Conservancy



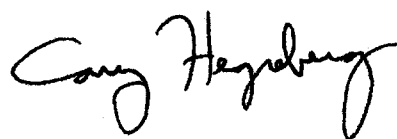
Bud Clinch,
Montana Coal Council



Glenn Marx
Montana Association of Land Trusts



John Youngberg,
Montana Farm Bureau Federation



Cary Hegreberg,
Montana Contractors Association



David Wheelihan,
Montana Electric Cooperatives' Association